

UNITED STATES BANKRUPTCY COURT
District of New Jersey

In Re: **Marc Fass**
Jill Fass

Case No.: **17-19632**
Judge: _____

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED

Original
 Motions Included

Modified/Notice Required
 Modified/No Notice Required

Date: _____

**THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.**

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

- DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.
- DOES DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.
- DOES DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney KF Initial Debtor: M F Initial Co-Debtor J F

Part 1: Payment and Length of Plan

a. The debtor shall pay 262.50 Monthly* to the Chapter 13 Trustee, starting on June 1, 2017 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- Future Earnings
- Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- Sale of real property
Description: _____
Proposed date for completion: _____
- Refinance of real property:
Description: _____
Proposed date for completion: _____
- Loan modification with respect to mortgage encumbering property:
Description: _____
Proposed date for completion: _____

d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor | Type of Priority | Amount to be Paid |
|--------------------------------|------------------|-------------------|
| Donald Quigley, Esquire DQ9093 | Attorney Fees | 2,500.00 |

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

- None
- The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

| Creditor | Type of Priority | Claim Amount | Amount to be Paid |
|----------|------------------|--------------|-------------------|
| | | | |

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ■ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|--|
|----------|----------------------------|-----------|----------------------------|---|--|

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: □ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|---|-----------|----------------------------|---|--|
| Cenlar | 833 South Olden Avenue Trenton, NJ 08610-5149 Mercer County | 48,760.84 | 0.00 | 48,760.84 | 1,100.00 |

c. Secured claims excluded from 11 U.S.C. 506: ■ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

| Name of Creditor | Collateral | Interest Rate | Amount of Claim | Total to be Paid through the Plan Including Interest Calculation |
|------------------|------------|---------------|-----------------|--|
|------------------|------------|---------------|-----------------|--|

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ■ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to Be Paid |
|----------|------------|----------------|------------------------|----------------|--|----------------------|-------------------------|
|----------|------------|----------------|------------------------|----------------|--|----------------------|-------------------------|

-NONE-

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ■ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C. 1301 be terminated in all respects. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------|------------------------------|---------------------------------|--------------------------|
| | | | |

f. Secured Claims Unaffected by the Plan ■ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ■ NONE

| Creditor | Collateral | Total Amount to be Paid through the Plan |
|----------|------------|--|
| | | |

Part 5: Unsecured Claims ■ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

Not less than \$____ to be distributed *pro rata*
 Not less than ____ percent
 Pro Rata distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

| Creditor | Basis for Separate Classification | Treatment | Amount to be Paid |
|----------|-----------------------------------|-----------|-------------------|
| | | | |

Part 6: Executory Contracts and Unexpired Leases X NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

| Creditor | Arrears to be Cured in Plan | Nature of Contract or Lease | Treatment by Debtor | Post-Petition Payment |
|----------|-----------------------------|-----------------------------|---------------------|-----------------------|
| | | | | |

Part 7: Motions X NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ■ NONE

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ■
NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor's Interest in Collateral | Total Amount of Lien to be Reclassified |
|----------|------------|----------------|------------------------|----------------|--|---|
|----------|------------|----------------|------------------------|----------------|--|---|

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ■ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|----------------|------------------------|-----------------------------|--|
|----------|------------|----------------|------------------------|-----------------------------|--|

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon Confirmation
- Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee is, ■ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 5/10/17.

| | |
|---|---|
| Explain below why the plan is being modified: | Explain below how the plan is being modified: |
| The debtors failed to obtain a loan modification. The plan is amended to pay the claim of Cenlar | The debtors failed to obtain a loan modification. The plan is amended to pay the claim of Cenlar |

Are Schedules I and J being filed simultaneously with this Modified Plan? Yes No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

NONE

Explain here:

***This plan is a step plan or has lumpsum payments as follows: \$262.50 per month for 8 months, then \$1,055.00 per month for 52 months**

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date January 11, 2018

/s/ Donald Quigley, Esquire DQ9093

Donald Quigley, Esquire DQ9093

Attorney for the Debtor

/s/ Marc Fass

Marc Fass

Debtor

Date: January 11, 2018

/s/ Jill Fass

Jill Fass

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date January 11, 2018

/s/ Donald Quigley, Esquire DQ9093

Donald Quigley, Esquire DQ9093

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: January 11, 2018

/s/ Marc Fass

Marc Fass

Debtor

Date: January 11, 2018

/s/ Jill Fass

Jill Fass

Joint Debtor

Certificate of Notice Page 7 of 8
United States Bankruptcy Court
District of New JerseyIn re:
Marc Fass
Jill Fass
DebtorsCase No. 17-19632-KCF
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 31

Date Rcvd: Jan 16, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 18, 2018.

db/jdb Marc Fass, Jill Fass, 833 South Olden Avenue, Trenton, NJ 08610-5149
 aty +KML Law Group, PC, 701 Market Street, St #5000, Philadelphia, PA 19106-1538
 lm +Cenlar FSB, P.O. Box 77408, Ewing, NJ 08628-6408
 516818303 +ARS/Account Resolution Specialist, Po Box 459079, Sunrise, FL 33345-9079
 516818304 +Asset Maximization Group, Inc, 26-12 Borrough Pl, Suite 6B, Woodside, NY 11377-7835
 516818305 +AT&T Universal Citi Card, Po Box 6500, Sioux Falls, SD 57117-6500
 516818307 #+Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
 516818308 +Capital One, Po Box 30285, Salt Lake City, UT 84130-0285
 516818310 +Chase Card, Attn: Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298
 516818311 +Citibank / Sears, Citicorp Credit Services/Attn: Centraliz, Po Box 790040, Saint Louis, MO 63179-0040
 516818312 +Citibank/Goodyear, Citicorp Cr Svcs/Centralized Bankruptcy, Po Box 790040, S Louis, MO 63179-0040
 516818313 +Comenity Bank/Lane Bryant, Attn: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
 517078110 +New Jersey Housing and Mortgage Finance Agency, c/o Cenlar FSB, 425 Phillips Blvd, Ewing, NJ 08618-1430
 516818318 +Phoenix Financial Services, Llc, Po Box 361450, Indianapolis, IN 46236-1450
 516818323 Usaa Savings Bank, Po Box 47504, San Antonio, TX 78265

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 16 2018 23:37:56 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 16 2018 23:37:54 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

516818309 +E-mail/Text: kzoepfel@credit-control.com Jan 16 2018 23:37:57 Central Loan Admin & R, 425 Phillips Blvd, Ewing, NJ 08618-1430

516829716 E-mail/Text: mrdiscen@discover.com Jan 16 2018 23:37:33 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025

516818314 +E-mail/Text: mrdiscen@discover.com Jan 16 2018 23:37:33 Discover Financial, Po Box 3025, New Albany, OH 43054-3025

516818315 +E-mail/Text: bknotice@erccollections.com Jan 16 2018 23:37:59 ERC/Enhanced Recovery Corp, 8014 Bayberry Rd, Jacksonville, FL 32256-7412

516818316 +E-mail/Text: bnckohlsnotices@becket-lee.com Jan 16 2018 23:37:36 Kohls/Capital One, Kohls Credit, Po Box 3043, Milwaukee, WI 53201-3043

516818317 +E-mail/Text: bankruptydpt@mcmc.com Jan 16 2018 23:37:54 Midland Funding, Attn: Bankruptcy, Po Box 939069, San Diego, CA 92193-9069

517047275 +E-mail/Text: bankruptydpt@mcmc.com Jan 16 2018 23:37:54 Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011

516818319 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 16 2018 23:46:33 Portfolio Recovery, Po Box 41067, Norfolk, VA 23541

517077523 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 16 2018 23:46:33 Portfolio Recovery Associates, LLC, C/O Capital One, N.A., POB 41067, Norfolk VA 23541

517077583 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 16 2018 23:57:24 Portfolio Recovery Associates, LLC, c/o Sears Mastercard, POB 41067, Norfolk VA 23541

516818320 +E-mail/PDF: gecsed@recoverycorp.com Jan 16 2018 23:40:21 Syncbpaypalsmartconn, Synchrony Bank, Po Box 965064, Orlando, FL 32896-5064

516818321 +E-mail/PDF: gecsed@recoverycorp.com Jan 16 2018 23:40:21 Synchrony Bank/ JC Penneys, Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-0001

516818322 +E-mail/PDF: gecsed@recoverycorp.com Jan 16 2018 23:40:14 Synchrony Bank/Gap, Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-0001

517076270 +E-mail/Text: bncmail@w-legal.com Jan 16 2018 23:38:02 USAA Savings Bank, C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516818306 ##+Aurora Financial Gr In, 9 Eves Dr Ste 190, Marlton, NJ 08053-8114

TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 31

Date Rcvd: Jan 16, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 18, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 11, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Brian C. Nicholas on behalf of Creditor New Jersey Housing And Mortgage Finance Agency
bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com
Kevin C. Fayette on behalf of Debtor Marc Fass kfayette@kevinfoyette.com
Kevin C. Fayette on behalf of Joint Debtor Jill Fass kfayette@kevinfoyette.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5